IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY THE SECOND DAY OF SEPTEMEBR,

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 13826 of 1994

Between:

Visakhapatnam Port trust rep. by Dy. Secretary, Visakhapatnam

..... PETITIONER

AND

1 Industrial Tribunal, Hyderabad rep. by Presiding Officer
2 Visakhapatnam Port Employees Union rep. by General Secretary
Dharmasakti Bhavan, Visakhapatnam-530001

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Certiorari after calling for the records from the 1st respondent and quash the award passed in I.D.No.25/1998 dt: 26-11-1993.

Counsel for the Petitioner : MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1 : GP FOR LABOUR

Counsel for the Respondent No.2 :MR.M.PANDURANGA RAO

The Court made the following :

O R D E R :

This Writ Petition is filed assailing the Award dated 26.11.1993 passed by the Presiding Officer, Industrial Tribunal, Hyderabad in I.D.No.25 of 1988.

2. The Government of India referred the following matter for adjudication:

> "Whether the action of the management of Visakhapatnam Port Trust in promoting Sri K.Ganeswara Rao to the post of Fitter Gr.II without holding a Trade Test with effect from 1.4.1977 earlier than his seniors S/Sri JSN Raju, V.Sambasiva Rao and N.Simhachalam is justified? If not, to what relief the said workmen are entitled to?

3. The learned Tribunal after considering the evidence on record passed the Award to the following effect:

> "In the result, the action of the Management of Visakhapatnam Port Trust in promoting Sri K.Ganeshwar Rao to the post of Fitter Grade II, without holding a Trade Test, with effect from 1-4-1977 earlier than his seniors Sarvasri J.S.N.Raju, V.Sambasiva Rao and N.Simhachalam is not justified. The said three Senior em,ployees are entitled to be promoted as Fitter Grade II on adhoc basis and the seniors should be given increments and consequential economic benefits on par with their junior Sri Ganeshwar Rao from 1978.

Award passed accordingly."

Aggrived by the said Award, the present Writ Petition is filed.

4. Now, it is brought to the notice of this Court that all the employees were retired from service. In view of this, no useful purpose will be served by adjudicating the matter.

5. Accordingly, the Writ Petition is closed. No costs.

G. BIKSHAPATHY, J

Dated:02 -09-2004

ccm

To

1 Industrial Tribunal, Hyderabad rep. by Presiding Officer (With records)
2 Visakhapatnam Port Employees Union rep. by General Secretary

Dharmasakti Bhavan, Visakhapatnam-530001

3. 2CCs to G.P. FOR LABOUR, High Court Buildings, Hyderabad(OUT)

4. 2CD copies